

ORIGINAL

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Approved:

RACHEL MAIMIN/MICAH SMITH
Assistant United States Attorneys

Before: THE HONORABLE RONALD L. ELLIS
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA

: SEALED COMPLAINT

- v. -

: Violations of
18 U.S.C. § 922(g)

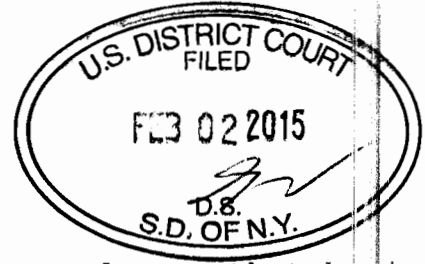
PHILIP MUIR,
a/k/a "Zeeks,"

: COUNTY OF OFFENSE:
: BRONX

Defendant.

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SOUTHERN DISTRICT OF NEW YORK, ss.:



PAUL JESELSON, being duly sworn, deposes and says that he is a Detective with the New York City Police Department and charges as follows:

COUNT ONE

1. On or about January 10, 2015, in the Southern District of New York, PHILIP MUIR, a/k/a "Zeeks," the defendant, after having been previously convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess in and affecting commerce, ammunition, to wit, three nine-millimeter bullets, manufactured by Luger, which previously had been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Sections 922(g).)

The bases for deponent's knowledge and for the foregoing charges are, in part, as follows:

2. I am a Detective with the NYPD and am one of the law enforcement agents with primary responsibility for this investigation. This affidavit is based upon my own observations, my conversations with other law enforcement agents and others, and my examination of reports and records. Because this affidavit is

being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. I have spoken to an Officer with the NYPD ("Officer-1"), who told me the following, in substance and in part:

a. On or about January 10, 2015, at approximately 3 a.m., Officer-1 was on patrol with his partner ("Officer-2") in a marked police car in the vicinity of Kingsland Avenue and Boston Road in the Bronx, New York.

b. Officer-1 heard approximately 4 gun shots and he and Officer-2 began driving in the direction of the gunshots. Officer-2 drove the car; Officer-1 sat in the front passenger seat.

c. Moments later, Officer-1 heard a message, or "radio run," over the police frequency in his car. The radio run stated that a 911 caller had reported a shooting by perpetrators in a white BMW X5 in the vicinity of 227th Street and Bronxwood Avenue in the Bronx, and that the perpetrator's car was heading toward 222nd Street. 227th Street and Bronxwood Avenue is in the confines of the 47th Precinct in the Bronx.

d. Officer-1 and Officer-2 proceeded to 222nd Street. On 222nd Street and Boston Road, Officer-1 saw a vehicle matching the description provided by the 911 caller (the "White BMW").

e. Officer-1 and Officer-2 tried to stop the White BMW by activating their lights and sirens, but the White BMW sped off at approximately 90 to 100 miles per hour. The White BMW did not stop for traffic lights or stop signs and weaved in and out of traffic. Officer-1 and Officer-2 pursued the White BMW in their police car.

f. The White BMW eventually approached a drawbridge on the Hutchinson River Parkway. The drawbridge was well lit. From my review of a publicly available map, information on the New York City Department of Transportation website, and from having personally driven over the drawbridge, the drawbridge is approximately 670 feet in length, including approximately 400 feet of length over water.

g. As the White BMW approached the water over which the drawbridge leads, Officer-1 saw a person, later identified as

PHILIP MUIR, a/k/a "Zeeks," the defendant, extend his arm through the rear passenger window of the White BMW. MUIR extended his arm before the White BMW was over the water and held his arm out of the window for several moments until the White BMW passed over the water. MUIR was holding a handgun, which he threw into the water beneath the bridge. MUIR was wearing a black sweatshirt, and his hand was dark skinned and had markings on it. The White BMW continued speeding over the bridge, with the police car in pursuit.

h. The White BMW reached the vicinity of Exit 13 on the Hutchinson River Parkway, when it veered off the road and crashed.

i. The police car's lights were shining on the crash site, and Officer-1 and Officer-2 jumped out of their car and put on their flashlights. They saw three men leap out of the White BMW. In particular, MUIR jumped out of the rear passenger seat and was wearing sneakers, black pants, and a black hoody. A man also jumped out of the driver's seat and the front passenger seat; MUIR was the only person in the rear seat of the White BMW. The three men ran in different directions toward the neighborhood of Pelham, New York.

j. By this time, other law enforcement agencies, including police from Westchester County, had joined in the hunt for the driver and passengers of the White BMW. Officer-1 and Officer-2 remained at the crash site to process the area.

k. Approximately one-and-a-half hours after the crash, a Westchester County police officer ("Officer-3") approached Officer-1 with MUIR and asked Officer-1 if he recognized MUIR. Officer-1 positively identified MUIR, who had tattoos covering his hands, as the man who jumped out of the rear passenger seat of the White BMW. Officer-3 reported, in substance and in part, that he found MUIR alone, walking in Pelham, and asked MUIR what he was doing there. MUIR claimed that he was looking for his girlfriend's home, but could not provide any information about his girlfriend or her address.

l. At the crash site, MUIR began yelling at the police, in substance and in part: "You know who the fuck I am, the 47th Precinct knows all about me."

m. Officer-3 also apprehended the driver of the White BMW in Pelham (the "Driver"), who was also positively identified by Officer-1 at the crash site.

n. Officer-1 placed MUIR and the Driver under arrest and brought them to the 47th Precinct for processing.

4. I have spoken to Officer-2, who told me the following, in substance and in part:

a. While PHILIP MUIR, a/k/a "Zeeks," the defendant, was in the holding cell at the 47th Precinct, he was placed in a cell near the Driver.

b. MUIR asked Officer-2, in substance and in part, why MUIR was being locked up when it was the Driver who had crashed the car.

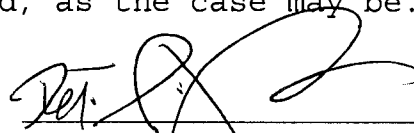
5. I have reviewed video surveillance taken in the vicinity of 227th Street and Bronxwood Avenue at approximately 3 a.m. on January 10, 2015, and saw on the video a car matching the description of the White BMW driven by that location at that time.

6. I have reviewed records maintained by the NYPD, from which I learned that, on or about January 10, 2015, after the reported shooting, the NYPD recovered three 9-millimeter Luger shell casings in the vicinity of 227th Street and Bronxwood Avenue (the "Ammunition").

7. I have reviewed a report prepared by a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, who has extensive training in the identification and origin of firearms and ammunition, from which I have learned that the Ammunition was not manufactured in the State of New York.

8. I have reviewed a criminal history report for PHILIP MUIR, a/k/a "Zeeks," the defendant, from which I have learned that, on or about April 1, 2011, in New York State Supreme Court, Bronx County, MUIR was convicted of attempted criminal possession of a weapon on the third degree, a Class E Felony.

9. WHEREFORE, deponent respectfully requests that an arrest warrant issue for PHILIP MUIR, a/k/a "Zeeks," the defendant, and that he be imprisoned or bailed, as the case may be.

A handwritten signature in black ink, appearing to read "Det. Jeselson", written over a horizontal line.

Paul Jeselson
Detective
New York City Police Department

Sworn to before me this
2nd day of February 2015

A handwritten signature in black ink, appearing to read "Ronald L. Ellis", written over a horizontal line.

THE HONORABLE RONALD L. ELLIS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK